

PATENT  
ATTORNEY DOCKET NO. 045636-5083

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Patrice Marche et al.**) Confirmation No.: **7396**  
Application No. **10/581,814**)  
Filed: **August 22, 2007**) Art Unit: **1637**  
For: **Method for quantitative evaluation of a**) Examiner: **S. C. Woolwine**  
**rearrangement or a targeted genetic**)  
**recombination of an individual and uses**)  
**thereof**) Date: **May 6, 2009**

**RESPONSE TO RESTRICTION REQUIREMENT**

This paper responds to the Restriction Requirement, dated March 6, 2009, time for response to which expired April 6, 2009. An extension of time of one month is filed concurrently, thereby extending the period of response to May 6, 2009.

In response to the Restriction Requirement, Applicants respectfully elect, with traverse, Group I, claims 1-18, directed to methods for detecting genetic rearrangements. Applicants further elect the species of A1, separation on a gel, and the species of B3, detection by labeling agent during migration. Currently, claims 1-7 and 15-21 are generic, and claims 1-8 and 13-18 of Group I read on the elected species.

The present application is a U.S. National stage under 35 U.S.C. § 371 of International Application PCT/FR2004/003115. According to 37 CFR 1.475 and Annex B(e) of the Administrative Instructions Under the PCT, an independent claim for a product is to be considered to have unity with a process for making that product. Group II, claims 19-21, are directed to a nucleic acids for detecting genetic rearrangements. The Restriction Requirement alleges that Group II does not share a special technical feature with Group I, as the cited references of WO 90/04648 and Pasqual *et al.* (J. Exp. Med. 196: 1163-1173, 2002) allegedly disclose the special technical feature shared by the claims of Groups I and II. As acknowledged by the Office Action, WO 94/04648 is directed to human genomic DNA, and Pasqual *et al.* is directed to amplification of mouse TCR genes. The cited references individually do not disclose or suggest the claimed

invention. Moreover, the cited references are directed to separate subject matter. Therefore, there is no reason to combine the cited references and modify the teachings of the cited references to arrive at the claimed invention with a reasonable expectation of success.

Moreover, Applicants respectfully traverse the species election. It is Applicants' understanding that the Examiner intends to begin by searching the elected species and will continue searching until art is found or until a generic claim is found allowable. Applicants also point out that when a generic claim is found to be allowable, the withdrawn claims which depend from or include the limitations of the allowed claim must be rejoined and fully examined for patentability. MPEP 809.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **May 6, 2009**  
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Respectfully submitted,  
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